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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,671	06/26/2006	Kristof De Spiegeleer	6142-00504	5006
86942 7590 02/03/2011 Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec P.O. Box 398 Austin, TX 78767-0398				
EXAMINER CALLAHAN, PAUL E				
ART UNIT 2437		PAPER NUMBER		
NOTIFICATION DATE 02/03/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/584,671

Applicant(s)

DE SPIEGELEER, KRISTOF

Examiner

PAUL CALLAHAN

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is prompted by the Applicant's response filed 11-19-2010.

Claims 1-4, 6-8 and 20-22 are pending and have been examined.

2. Applicant's arguments filed 11-19-2011 have been fully considered but they are not persuasive.

The Applicant argues that the claims as presented via the latest amendment may be distinguished from the Farber reference. The Applicant argues that Farber fails to teach the features of a central infrastructure performing a comparison step, and when it does not find a match between a calculated reference and another, then (1) it is decided the content has not yet been identified, (2) access to a file on the local computing device is enabled for remote access by the central infrastructure (without conveying the file to the central infrastructure), and (3) the content of the file is identified to determine attributes of the file and storing those attributes at the central infrastructure. The Applicant argues that Farber merely conducts a comparison step see if a data item is stored locally, and if not an entry may be made for the data item. However, the Examiner respectfully counters that this misconstrues the teachings of Farber at the cited passages. In Farber, the method steps associated with the file processes of: "Assimilate Data Item" and "Realize True File from Location" (col. 14 lines 40+) are useable together. The method steps involve a comparison of True Names, wherein if a file is determined to be already stored at a location it is not replaced, and if it is not found it is then stored. This reads on the claimed invention.

The balance of the Applicant's arguments are directed to newly added limitations. New analogous prior art has been used by the Examiner to address these limitations and so the Applicant's arguments are mooted. New rejections utilizing the new art are presented infra.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable Farber et al., US 5,978,791, and Murphy et al., US 2003/0154238 A1.

As for claim 1, Farber teaches a method for identifying the content of a file in a network

environment (abstract), said network environment comprising at least one local computing device linked to a remaining part of the network environment including a central infrastructure (fig. 1(a), col. 4 line 63 through col. 5 line 35), and the method comprising: receiving a new file on said local computing device (col. 14 lines 1-31), in response to receiving the new file, the local computing device calculating a reference value for a new file on one of said at least one local computing devices using a one-way-function (col. 14 lines 1-31), and transmitting said calculated reference value to said central infrastructure (col. 16 lines 38-62, col. 23 line 52 through col. 24 line 29), in response to receiving the reference value, the central infrastructure comparing said calculated reference value with reference values previously stored within the remaining part of the network environment (col. 16 lines 38 through col. 17 line 10, col. 23 line 52 through col. 24 line 29), responsive to said comparing, if a match between said reference value and a previously stored reference value is found, deciding that the content of the new file is already identified and retrieving the corresponding content attributes (col. 14 line 40 through col. 15 line 10, col. 23 line 52 through col. 24 line 29, col. 25 lines 26-45); if a match between the calculated reference value and any of the previously stored reference values is not found, deciding that the content of the new file is not yet identified (col. 14 line 40 through col. 15 line 10, col. 23 line 52 through col. 24 line 29), enabling the new file on the local computing device to be remotely accessed by the central infrastructure, the central infrastructure identifying the content of said new file by remotely identifying the content over the network environment without the new file being conveyed to the central infrastructure (col. 23 line 52 through

col. 24 line 29, col. 25 lines 26-45), thereby determining content attributes corresponding with the content of the new file and storing a copy of said content attributes at said central infrastructure (col. 25 lines 26-45), after deciding, triggering an action on said local computing device in accordance with said content attributes (col. 25 lines 26-45), wherein said triggering an action on said local computing device in accordance with said content attributes comprises identifying a different version of the file on the remaining part of the network environment and replacing the new file on the local computing device with the identified different version of the new file (col. 25 lines 26-45). Farber does not explicitly teach the steps wherein the new file represents a corrupted version of a given file and the different version represents an uncorrupted version of the given file. However, Murphy does teach this feature [0024], [0025], [0052], [0118], [0151]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Farber. It would have been obvious to do so since this would allow for increased utility of the distributed file system of Farber, wherein the process of identifying a different version of a local file elsewhere on a network is useable for the purposes of restoring a corrupted local version of a file.

As for claim 2, a method according to claim 1, wherein said triggering an action on said local computing device in accordance with said content attributes is performed after transmitting the content attributes corresponding to the new file to the local computing device (col. 25 lines 26-45).

As for claim 3, a method according to claim 1 wherein said identifying the content of said new file comprises one or more of the group of scanning for viruses, using a scanning means installed on said central infrastructure (col. 34 lines 33-50).

As for claim 4, a method according to claim 1, furthermore comprising storing a copy of the new file on the central infrastructure (col. 25 lines 26-45).

As for claim 6, this claim represents the computer program product comprising program instructions for executing the method of claim 1. Claim 6 recites substantially the same limitations as claim 1 and is therefore rejected on the same basis as that claim.

As for claim 7, the claim represents the system carrying out the method of claim 1. Claim 7 recites substantially the same limitations as claim 1 and is rejected on the same basis as that claim.

As for claim 8, a system according to claim 7 furthermore comprising means wherein the central infrastructure is further configured to store a copy of the new file within the remaining part (col. 4 line 58 through col. 5 line 24).

5. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable Farber et al., US 5,978,791, Murphy et al., US 2003/0154238 A1, and further in view of Durr et al., US 7,191,436.

As for claims 20-22, Farber teaches the features according to claims 1, 6, and 9, but not further wherein said identifying the content of said new file comprises one or more of the group of scanning for adult content, scanning for Self Promotional Advertising Messages and scanning for copyrighted information. However, Durr does teach these features (col. 3 lines 4-28 and line 57, col. 5 lines 5-10, col. 13 lines 35-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Farber. It would have been obvious to do so since this would allow for increased utility of the distributed file system of Farber, where the process of identifying a different version of a locally stored file elsewhere on a network is useable for the purposes of tailoring the process to that of detecting versions stored elsewhere in a network having specified content.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Art Unit: 2437

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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